

APPLICANT(S): Saar, Yair
SERIAL NO.: 10/585,058
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 2 -5, 7 -9, 12 -33 and 35 -38 are pending in the application. Of the above claims 12 – 28 are withdrawn from consideration, and Applicants have herein canceled these claims. Applicants reserve all rights in these claims to file divisional and/or continuation patent applications

Claims 2 – 4, 7 – 9, 29 -33 and 35 -38 have been rejected by the Examiner. Claim 5 has been objected to by the Examiner. Claim 5 has been amended. Claims 2 – 4, 7 – 9, 29 -33 and 35 -38, have been cancelled.

Applicants respectfully assert that the amendments to the claims add no new matter.

Allowable Subject Matter

The Office Action has objected to Claim 5 as being dependent upon a rejected base claim. However, the Office Action stated that Claim 5 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims.

In order to comply with the suggestions of the Office Action, Claim 5 was rewritten in an independent form including all of the limitations of the base claim and any intervening claims. The newly amended Claim 5 is as follows:

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"A live vaccine comprising a non viable dried cell having a cell membrane and a viable virion contained within said cell, wherein said virion is a Marek's disease virion."

In view of the amendments, the pending claim 5 is deemed to be allowable. Its favorable reconsideration and allowance is respectfully requested.

It is respectfully submitted that the present amendment places the application in condition for allowance as it removes all remaining issues in dispute. Specifically, the amendment does exactly what is suggested in the Office Action, that is incorporate all previous limitations into claim 5. The claim has been made no broader in scope thereby requiring no further searching and raising no new issues. In fact, claim 5 now includes limitations of previously pending claims and was therefore previously searched. Since there is no prior art cited against this claim, it is respectfully submitted that claim 5 is in condition for allowance.

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The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

/Kenneth I. Kohn/

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Dated: May 15, 2009

CERTIFICATE OF ELECTRONIC FILING VIA EFS-WEB

Date of Electronic Filing: May 15, 2009

I hereby certify that this correspondence is being electronically filed with the United States Patent & trademark Office on the above date.

/Natalie Zemgulis/
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